

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**LOURDES NIEVES-VARELA**

**Petitioner,**

**v.**

**UNITED STATES OF AMERICA,**

**Respondent.**

**CIVIL NO. 16-2955 (PAD)**

**MEMORANDUM AND ORDER**

Delgado-Hernández, District Judge.

Before the court is petitioner Lourdes Nieves-Varela's "Motion Under 28 U.S.C. §2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody" (Docket No. 1). The government opposed (Docket No. 5). The motions were referred to U.S. Magistrate Judge Silvia Carreño-Coll who, on October 16, 2018, issued a Report and Recommendation ("R&R") recommending that petitioner's motion be denied (Docket No. 8). On October 31, 2018, petitioner was notified with copy of the R&R (Docket Entry October 31, 2018). To date, no objections have been filed.

The R&R is adopted in its entirety. The U.S. Magistrate Judge's findings, analysis and recommendation are supported by the record and the law. Accordingly, petitioner's motion at Docket No. 1 is DENIED. Pursuant to Rule 11 (a) of the Rules Governing Section 2255 Proceedings for the United States District Courts, "[t]he district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant." The court may issue a certificate of appealability upon "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253 (c) (2). No such showing has been made here. Thus, the court will not issue a Certificate of Appealability.

**SO ORDERED.**

In San Juan, Puerto Rico, this 11st day of January, 2019.

s/Pedro A. Delgado-Hernández  
PEDRO A. DELGADO-HERNÁNDEZ  
United States District Judge